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6 **THE DISTRICT COURT OF GUAM**

7 R.C.,

CIVIL CASE NO. 22-00003

8 Plaintiff,

9 vs.

ORDER

10 DENNIS MARK ZERMENO, an individual;
11 DOES ENTITIES 1-5; and DOES-
12 INDIVIDUALS 6-50, inclusive,

13 Defendants.

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15 On July 28, 2022, the court construed¹ Plaintiff's Motion for Leave to File a Second
16 Amended Complaint, ECF No. 33, as a Response to Defendant Zermeno's Motion to Dismiss,
17 ECF No. 31. The court ordered Defendant Zermeno to file a Reply no later than August 4, 2022.
18 ECF No. 38. As of the date of this Order, August 5, 2022, the court has not received any Reply
19 from Defendant Zermeno. In light of this and after having reviewed Plaintiff's Response, the
20 court **DENIES** Defendant Zermeno's Motion to Dismiss, ECF No. 31.

21 However, Plaintiff's Response or his Second Amended Complaint is erroneous. It
22 continues to include the Government of Guam ("GovGuam") as a defendant, despite GovGuam
23 having already been dismissed from this action. *See* ECF No. 27. In the interest of judicial
24 economy, the court **GRANTS IN PART** Plaintiff's Motion for Leave to File a Second Amended

¹ For context, please see Court Order dated July 28, 2022, ECF No. 38.

1 Complaint, ECF No. 33. Plaintiff is hereby ordered to refile a second amended complaint
2 without GovGuam as a defendant. The second amended complaint shall be due no later than
3 August 12, 2022. Failure to timely refile a corrected one may result in dismissal of the case with
4 prejudice.

5 Pursuant to CVLR 26(f), the parties are ordered to confer and file a Scheduling and
6 Planning Conference Report no later than September 16, 2022, and meet with the Magistrate
7 Judge for a scheduling conference on September 29, 2022, at 9:30 a.m.

8 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Aug 05, 2022